IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6086 of 2006

DATED: 3.4.2006

Between:

P.Ilaiah petitioner

And

APSRTC
Rep by its Vice Chairman and Managing Director,
Musheerabad,
Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 6086 of 2006

ORAL ORDER:

The petitioner aggrieved by the orders dated 03.01.2002, passed by respondent No.2, confirming the orders dated 24.11.2001, passed by respondent No.3, reinstating him into service as Grade-II Driver afresh without continuity of service and backwages, has filed this writ petition.

The petitioner while working as Driver in the respondent corporation was issued with a charge sheet dated 18.1.2001 for causing an accident on 6.6.2000. The petitioner submitted his explanation. Dis-satisfied, the respondent-corporation conducted a departmental enquiry. The petitioner having been found guilty in the departmental enquiry, was issued show cause notice of removal, and after considering his explanation thereto, respondent No.4, namely the Depot Manager, vide orders dated 14.6.2001, removed the petitioner from service. Assailing the order of removal, the petitioner preferred an appeal to respondent No.3, namely the Divisional Manager, who by orders dated 24.11.2001 partly allowed the appeal and reinstated the petitioner into service as “Grade-II Driver-afresh” without continuity of service and backwages. Aggrieved by the denial of continuity of service and backwages, the petitioner filed revision petitioner before respondent No.2, namely the Regional Manager, who vide orders dated 3.1.2002 rejected the revision confirming the order of respondent

No.3. While the petitioner was continuing as Grade-II Driver, vide judgment 04.02.2005, passed by the Judicial Magistrate of First Class, Gajwel, in C.C. No. 394 of 2000, the petitioner was acquitted of the offences and charges alleged against him. Pursuant to his acquittal, by the criminal Court, the petitioner states that he filed a review petition before respondent No.2, along with copy of the appeal, revision petition copy of the judgment passed by the criminal Court acquitting him of the charges, contending that as per Circular
No. 48/1995, dated 21.07.1995, he having been acquitted by the Criminal Court of the charges and offences leveled against him is entitled to reinstatement into service with continuity of service and backwages, and as no action has been taken thereon, he filed the present writ petition.

The learned counsel for petitioner submitted that there is no negligence on the part of the petitioner in the alleged accident and the competent Criminal Court vide judgment dated 4.2.2005 made in C.C. No. 394 of 2000 acquitted the petitioner of the charges and offences alleged against him, and having regard to his acquittal in the criminal case and having regard to the stand taken by the respondents in the MVOP filed by the legal heirs of the deceased that the petitioner is not negligent in causing the accident, as per Circular No. 48/1995, dated 21.07.1995, is entitled to reinstatement into service with continuity of service and backwages, and though the petitioner submitted review petition to respondent No.2, along with copy of appeal, revision and judgment of the criminal Court, no orders thereon have been passed. He thus prayed for appropriate directions.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Though the petitioner in this writ petition has assailed the order of respondent No.2, confirming the order of respondent No.3, his only grievance is that after his acquittal in the criminal case by the criminal

Court, he having regard to Circular No. 48/1995, dated 21.07.1995, filed review petition before respondent No.2 along with copy of appeal, revision and judgment of the criminal Court acquitting him of the offences and charges levelled, seeking continuity of service and backwages, but no action has been taken thereon, but so far no action had been taken thereon. The petitioner, however, neither filed the copy of review petition nor mentioned the date on which he made the review petition to respondent No.2.

In the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

If the review petition filed by the petitioner is pending, respondent No.2 shall consider and dispose of the same in terms of Circular

No. 48/1995, dated 21.07.1995, and pass appropriate orders thereon.

No costs.

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N.V.RAMANA,J

DATE:3.4.2006

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